

3. This is a civil action over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00.

4. Plaintiff's Complaint demands, *inter alia*, compensatory damages of \$150,000.00 or an amount to be determined by the jury and punitive damages of \$150,000.00 or an amount to be determined by the jury. (Compl. at p. 11.) Therefore, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. The Parties also have complete diversity of citizenship. Plaintiff is a citizen and resident of Tennessee. (Compl. at ¶ 1.) NPC is a Kansas corporation whose principal place of business is in Kansas. Taco Bell is a California corporation whose principal place of business is in California. Accordingly, this Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and Defendants can remove Plaintiff's Complaint to this Court pursuant to 28 U.S.C. § 1441.

6. The Summons and Complaint were served on NPC on April 19, 2013. (*See* Exhibit A.) Likewise, the Summons and Complaint were served on Taco Bell on April 19, 2013. (*Id.*) On May 13, 2013, Defendants filed this Notice of Removal. Therefore, this Notice of Removal was timely filed pursuant to 28 U.S.C. §1446(b) having been filed within thirty (30) days after service of Exhibit A.

7. Venue is proper in this Court.

8. Pursuant to 28 U.S.C. §1446(d), Defendants are giving written notice of the removal of this action to all parties and is filing a copy of this Notice with the Circuit Court of the State of Tennessee, Davidson County. (Attached hereto as Exhibit B.)

WHEREFORE, Defendants remove this action to this Court.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of May, 2013, caused the foregoing to be filed using the Court's CM/ECF system. In addition, I have caused the foregoing to be served, via U.S. Mail, on the following attorney of record:

Nina Parsley
Michael Ponce & Associates, LLC
1000 Jackson Road, Suite 225
Goodlettsville, TN 37072

A handwritten signature in dark ink, appearing to read "Nina Parsley", is written over a horizontal line.